

ELIGIBILITY DETERMINATION

1. REASON FOR ISSUE. This Veterans Health Administration (VHA) Handbook updates Department of Veterans Affairs (VA) information on determining eligibility for VA health care benefits.

2. SUMMARY OF CHANGES. Public Law 108-170, the "Veterans Health Care, Capital Asset, and Business Improvement Act of 2003," was enacted authorizing VA to provide hospital care, nursing home care, and outpatient medical services to certain Filipino Veterans in the same manner and subject to the same terms and conditions as apply to United States Veterans. This Handbook incorporates the provision of VHA policy Directive 2004-010, "Expansion of Health Care Benefits for Certain Filipino Veterans in the United States," and revised VHA Manual, M-1, "Operations," Part I, "Medical Administration Activities," Chapter 4, "Admissions-- Hospital and Domiciliary Care."

3. RELATED ISSUES. VHA Handbooks 1601A.01, 1601A.03, 1601B.05, 1601C.01, 1601C.02, 1601D.02, and 1601E.01.

4. RESPONSIBLE OFFICE. The Chief Business Office (16) is the responsible for the contents of this VHA Handbook. Questions may be addressed to (202) 461-1589.

5. RECISIONS. VHA Manual M-1, Part I, Chapter 4, and VHA Directive 2004-010, are rescinded.

6. RECERTIFICATION. This VHA Handbook is scheduled for recertification on or before the last working day of November 2014.

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ELIGIBILITY DETERMINATIONS

1. PURPOSE

This Veterans Health Administration (VHA) Handbook provides information on determining eligibility for Department of Veterans Affairs (VA) health care benefits.

2. AUTHORITY

In determining eligibility for hospital care, Community Living Center care, domiciliary care, and medical services, Title 38 United States Code (U.S.C.) Part 17 authorizes the Secretary of Veterans Affairs to furnish needed care to any eligible Veteran. This Handbook establishes VHA procedures for determining the eligibility for such Veterans.

3. DEFINITIONS

a. **Applicant.** An applicant is a person who has submitted a written request for VA health care benefits or for enrollment in the VA Health Care System.

b. **Atomic Veteran.** An atomic Veteran is a former member of the United States (U.S.) Armed Forces who was exposed to ionizing radiation from atomic and nuclear weapons testing during the period beginning with the Trinity Blast of July 16, 1945, at Alamogordo, NM; continuing through the U.S. clean-up of Nagasaki and Hiroshima; and during the 235 atmospheric atomic and nuclear weapons tests in the Pacific and Nevada test sites until the Nuclear Test Ban Treaty of 1963. **NOTE:** For further information on this subject see [38 U.S.C. §1112\(c\)\(3\)\(B\)\(i, ii, and iii\)](#). For information on the Ionizing Radiation Registry Program see [VHA Handbook 1301.01](#).

c. **Catastrophic Disability.** A catastrophic disability is a permanent severely-disabling injury, disorder, or disease that compromises the ability to carry out the activities of daily living (ADL) to such a degree that the individual requires personal or mechanical assistance to leave home or bed, or requires constant supervision to avoid physical harm to self or others. **NOTE:** The complete definition is at Title 38 Code of Federal Regulations [US CODE: Title 38,101, Definitions](#).

d. **Collateral.** Collateral is a spouse, family member, or significant other who receives services relative to the patient's care.

e. **Combat Veteran.** Under 38 U.S.C. §1710(e)(1)(D), a combat Veteran is defined as a Veteran who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War or in combat against a hostile force during a period of hostilities after November 11, 1998.

f. **Compensable Service-Connected (SC) Disability.** A compensable SC disability is a VA-rated SC disability for which monetary compensation is authorized for payment. **NOTE:** Military retirees, who were discharged for a disability incurred or aggravated in the line of duty,

are eligible for care for 1 year after discharge; after the first year of care, enrollment is required.

g. **Copayment.** Copayment is a specific monetary charge for either medical services or medications provided by VA to Veterans.

h. **Counseling and Treatment for Sexual Trauma.** Counseling services for sexual trauma is counseling and appropriate care authorized in [38 U.S.C. 1720D](#), which is needed to overcome psychological trauma, which in the judgment of a VA mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment, which VA determines occurred while the Veteran (male or female) was serving on active duty or Active Duty for Training (ADUTRA) as defined under [38 U.S. US CODE: Title 38,101. Definitions.](#)

i. **Earned Income.** Earned income is the gross wages a Veteran receives from working.

j. **Enrollment.** Enrollment is the acceptance of an eligible Veteran into the VA Health Care System and assignment to an enrollment priority group.

k. **Financial Assessment.** Financial assessment is the process used by VA to discern a Veteran's household attributable gross income, or income and assets. The financial assessment determines a Veteran's copayment responsibilities, helps to determine enrollment priority, and assists in determining eligibility for beneficiary travel.

l. **Former Prisoner of War (POW).** A former POW is a person who, while serving on active military duty, was forcibly detained or interned by an enemy government or a hostile force, during a period of war, or in a situation comparable to war.

m. **Fugitive Felon.** A fugitive felon is a VA beneficiary who is subject to an outstanding felony warrant. *NOTE: VA may not provide benefits to a Fugitive Felon under [VHA Handbook 1000.2](#).*

n. **Health Eligibility Center (HEC).** HEC is the authoritative source for the verification of a Veteran's eligibility for VA health care benefits, including enrollment determination, priority group assignment, and income verification (IV).

o. **Hostilities.** Hostilities refers to an armed conflict in which the members of the Armed Forces are subjected to danger comparable to the danger to which members of the Armed Forces have been subjected in combat with enemy armed forces during a period of war, as determined by the Secretary of Veterans Affairs in consultation with the Secretary of Defense.

p. **Income Verification (IV).** IV is a process that independently verifies the self-reported financial information used to determine a Veteran's eligibility for VA health care benefits, enrollment priority group assignment, and copayment responsibility.

q. **Minimum Active Duty Requirement.** The minimum period of active duty service that most Veterans who served after September 7, 1980, must have served in order to receive most

VA benefits (see [US CODE: Title 38,101. Definitions](#)). *NOTE: For further information see subparagraph 6d.*

r. **Nonservice-Connected (NSC) Veteran.** A NSC Veteran is one who does not have a VA-adjudicated illness or injury incurred in, or aggravated by, military service.

s. **Project 112/Shipboard Hazard and Defense Testing (SHAD).** SHAD refers to tests conducted by the Department of Defense (DOD) Desert Test Center as a part of a program for chemical and biological warfare testing from 1962 through 1973 (including the program designated as "Project SHAD" and related land-based test).

t. **Service-Connected (SC) Veteran.** A SC Veteran is one who has an illness or injury incurred in, or aggravated by, military service as adjudicated by the Veterans Benefits Administration (VBA).

u. **Unearned Income.** Unearned income includes, but is not limited to income from interest, dividends received, money from retirement funds, Social Security payments, annuities, or earnings from other assets.

v. **Veteran.** In general, a Veteran is a person who:

(1) Served in the active military, naval, or air service; and

(2) Was discharged or released from service under conditions "other than dishonorable."

NOTE: For more information on the definition of Veteran and for other service that may qualify an individual for Veteran status, see: [38 CFR § 3.1](#), [§3.6](#), and [§3.7](#).

4. SCOPE. This handbook provides details on:

- a. Tentative eligibility for VA care;
- b. Basic eligibility requirements for VA care;
- c. Special treatment eligibility due to certain environmental exposures;
- d. Eligibility for specific categories;
- e. Eligibility for individuals and groups whose particular form of service is deemed to constitute active military, naval, and air service;
- f. Eligibility for VA care available to certain non-Veteran beneficiaries; and
- g. VHA's income verification match (IVM) program administered by HEC.

5. TENTATIVE ELIGIBILITY FOR VA CARE

Medical services (excluding outpatient dental care) may be provided to a Veteran when an application is received for which eligibility is likely to be granted, but which requires adjudication of service connection or another eligibility determination, which cannot be immediately established. Tentative eligibility is only made:

- a. If the applicant needs hospital care or other medical services in emergency circumstances, or
- b. For persons recently discharged from service, if the application was filed within 6 months after honorable discharge from an active duty period, which was at least 6 months long.

NOTE: For more information on tentative eligibility see [38 CFR § 17.34](#).

6. BASIC ELIGIBILITY REQUIREMENTS FOR VA CARE

NOTE: For more information on eligibility determinations, see VHA Procedure Guide (PG) 1601A.02 (for internal VHA use only).

a. Enrollment as a Condition of Eligibility

- (1) To be eligible for VA health care benefits, most Veterans must be enrolled with VA.
- (2) Among those who are exempt from the enrollment requirement are:
 - (a) Veterans requiring care for SC condition;
 - (b) Veterans rated 50 percent or greater SC for any condition; and
 - (c) Veterans who are retired, discharged, or released from active military service for disability incurred in, or aggravated by, a line of duty. These Veterans:
 1. Are not required to enroll to receive hospital care or outpatient medical services for that disability the first 12 months following separation from active military service; however,
 2. Must enroll to be eligible for health care benefits after the first 12 months following separation from active military service.

NOTE: For more information on the categories of Veterans who are exempt from the enrollment requirement, see [US CODE: Title 38,101. Definitions](#)

b. Criteria for Basic Eligibility Services under VA's Medical Benefits Package

- (1) To qualify for health care benefits Veterans must have:
 - (a) Other than a dishonorable character of discharge, as described in subparagraph 6c, and

(b) Served a period of active duty as outlined in subparagraph 6d.

NOTE: See [38 U.S.C. § 5303A](#) for further information on minimum active-duty service requirements.

(2) Veterans who are disabled from disease or injury incurred or aggravated in the line of duty, while serving on active duty, are eligible for medical care in the same manner as any other Veterans who served on active duty.

(3) Veterans who are disabled from disease or injury incurred or aggravated in the line of duty while serving on inactive duty (as for training) and are rated SC for disability(ies) are eligible for medical care in the same manner as any other Veterans who served on active duty.

(4) A variety of groups who provided military-related service to the U.S. are also eligible for VA health care benefits. *NOTE: For more information on eligibility for specific categories, see paragraph 8.*

c. Character of Discharge Requirements

(1) Generally, when a Veteran is discharged or released from active duty, the respective military service department issues a discharge document that characterizes the nature of the Veteran's military service. The military department's characterization of discharge, as reflected on the service member's DD Form 214, Certificate of Release or Discharge from Active Duty, is used by VA as a tool in evaluating basic eligibility for VA health care benefits. To qualify for VA benefits, military service must be "under conditions other than dishonorable." see [38 U.S.C. § 101\(2\)](#); and [38 CFR § 3.12](#). An "honorable" or "under honorable conditions" discharge is binding on VA for purposes of character of discharge (see [38 CFR § 3.12\(a\)](#)). Accordingly, Veterans who receive an "honorable" discharge or an "under honorable conditions" discharge (also termed a general discharge) are generally eligible for VA health care benefits. *NOTE: An exception to this rule applies where such a Veteran is barred from benefits based on application of the very limited circumstances described in [38 U.S.C. § 5303](#).*

(2) Veterans who were discharged or released from active duty under "Other Than Honorable" (OTH) conditions, or who were discharged with a Bad Conduct Discharge (BCD) and, Veterans who were issued a DD-215, Correction to DD Form 214 Certificate of Release or Discharge from Active Duty, or a similar document from a military service department that upgraded or revised a discharge that was not an honorable or under honorable conditions discharge require a Veteran's status adjudication by a regional office (RO) before routine care may be provided. Veterans who receive a Dishonorable Discharge are barred from receiving health care benefits based on the period of service terminated by the Dishonorable Discharge. Such an individual may, however, be able to establish eligibility for VA health care benefits based upon a prior period of military service (see VA Opinion of the General Counsel – a precedent opinion (VAOPGCPREC) 61-91).

(3) Exception: A Veteran who has received a discharge that VA has determined to be disqualifying under application of [38 CFR §3.12](#) or 38 U.S.C. § 101(2) still retains eligibility for

VA health care benefits for service-incurred or service-aggravated disabilities unless he or she is subject to one of the statutory bars to benefits set forth in [38 U.S.C. §5303\(a\)](#), or when the disabilities in question were incurred during a period of service from which the individual was discharged by reason of a bad conduct discharge (see Public Law (Pub. L.) 95-126, §2 (Oct. 8, 1977)).

NOTE: If the DD-214 indicates OTH or BCD as the character of discharge, VHA must submit VA Form 10-7131, Exchange of Beneficiary Information and Request for Adjudicative Action, to the Regional Office (RO) for appropriate action to obtain an adjudicative decision. Eligibility status will be pending verification until a decision is rendered.

d. **Minimum Active Duty Requirements.** Persons who enlisted after September 7, 1980, and any other person (officer as well as enlisted) who entered on active duty after October 16, 1981, the shorter of the following periods apply:

(1) The minimum active duty requirements for those who entered the active duty after September 7, 1980 are described in [38 U.S.C. §5303A](#).

(2) The minimum active-duty service requirement for VA health care benefits is the shorter of:

(a) 24 months of continuous active duty, or

(b) Completion of the full period for which the Veteran was called or ordered to active duty.

NOTE: Non-duty periods (lost time noted on the DD-214 or the Hospital Inquiry (HINQ) that are excludable in determining the VA benefit are not considered as a break in service for continuity purposes, but are to be subtracted from total time served.)

(3) The following Veterans must meet the minimum active duty service requirement:

(a) Veterans who enlisted in the Armed Forces for their first term of active duty after September 7, 1980;

(b) Veterans who originally signed up under a delayed entry program on, or before, September 7, 1980, and who subsequently entered active duty after that date (see [38 CFR 3.12a\(c\)](#));

(c) Former commissioned officers and warrant officers whose first term of active duty began after October 16, 1981; and

(d) Any other person who entered active duty after October 16, 1981, and who had:

1. Not previously completed at least 24 months of continuous active duty service, or

2. Been discharged or released from active duty under [10 U.S.C. §1171](#).

(4) Reservists and National Guards activated under title 10 U.S. C. may be eligible for care or enrollment if such discharge from active duty is not a bar to VA benefits and they meet the time requirements outlined in subparagraphs 6d and 6e.

e. **Exceptions to Minimum Active Duty Requirements.** Minimum active-duty service requirements do not apply to:

(1) Veterans who were discharged or released for reason of early out under [10 U.S.C. §1171](#) ;

(2) Veterans who were discharged or released for reason of hardships under [10 U.S.C. §1173](#) ;

(3) Veterans who were discharged or released for reason of disability(ies) incurred in, or aggravated by, a line of duty;

(4) Veterans with VA-rated compensable SC conditions; or

(5) Veterans who have the provision of a benefit for, or in connection with, a SC disability, condition, or death (see [38 U.S.C. 5303](#) or [38 CFR 3.12](#)).

f. **Acceptable Documentation of Minimum Active Duty Service Requirements**

(1) Acceptable documentation of minimum active-duty service requirements include:

(a) Proof of discharge under [10 U.S.C. §1171](#) where a member of the armed force may be discharged within 3 months before the expiration of the term of enlistment or extended enlistment, or

(b) The narrative reason on the DD-214 specifies “Overseas Returnee.”

(2) RO confirmation of separation under [10 U.S.C. §1171](#) is needed if the DD-214 narrative shows:

(a) Convenience of the government,

(b) Unit inactivation,

(c) Secretarial authority,

(d) Physical disqualification for duty in Military Occupational Specialty (MOS), or

(e) Hardship due to disability.

7. OUTPATIENT DENTAL TREATMENT

In accordance with [38 U.S.C. § 1712](#), and 38 CFR §§[17.160-17.163](#), VA health care facilities must provide outpatient dental services and treatment to eligible Veterans.

a. **Classes of Dental Eligibility.** Outpatient dental benefits must be furnished to Veterans in accordance with the provisions of existing legislation and regulations promulgated by the Secretary of Veterans Affairs. Those specified as eligible for dental examinations and treatment on an outpatient basis are defined, and their entitlements described in [38 CFR § 17.160](#) *et seq.* More specifically, further vital references for the administration of the dental outpatient program are contained in [38 CFR §§ 17.161-17.166](#). The following definitions of classifications of eligible dental outpatients are not complete as to entitlements and restrictions; the actual statutes and the VA regulations from which they are derived must be referenced in order to properly administer the program.

(1) **Class I.** Those Veterans having SC compensable dental disability or condition are eligible for any needed dental care as implemented by [38 CFR 17.161](#).

(2) **Class II.** Those Veterans having a SC non-compensable dental condition(s) or disability shown to have been in existence at the time of discharge or release from active duty (after September 30, 1981) may be authorized any treatment, as reasonably necessary, for a one-time correction of the SC non-compensable condition, but only if:

(a) The Veteran served on active duty during the Persian Gulf War and was discharged or released, under conditions other than dishonorable, from a period of active military, naval, or air service of not less than 90 days, or they were discharged or released under conditions other than dishonorable, from any other period of active military service of not less than 180 days. **NOTE:** *This is an exception to minimum active duty requirement for medical or dental care.*

(b) Application for treatment is made within 180 days after such discharge or release.

(c) The DD-214 does not bear certification that the Veteran was provided, within the 90-day period immediately before such discharge or release, a complete dental examination, dental X-rays, and all appropriate dental treatment indicated by the examination to be needed.

1. Veterans discharged from their final period of service after August 12, 1981, who had reentered active military service within 90 days after discharge or release from a prior period of active military service may apply for treatment of SC non-compensable dental conditions within 180 days from the date of their final discharge or release.

2. If a disqualifying discharge or release (ones other than general to honorable) has been corrected, application may be made within 180 days after the date of upgrading. Since general discharges are not disqualifying for VA benefits, the 180-day time limitation on applications for class II dental care begins on the date of release from active duty.

(3) **Class II(a).** Those Veterans having a SC non-compensable dental condition, or a disability adjudicated as resulting from combat wounds or service trauma, are eligible for repeat care for the SC condition(s).

NOTE: *Class II(b) has been deleted (see PL 108-170. SEC). 101, Improved Benefits for Former Prisoners of War. (a) Outpatient Dental Care For All Former Prisoners of War, Section*

1712(a)(1)(F) is amended by striking "and who was detained or interned for a period of not less than 90 days."

(4) **Class II(c).** Veterans who were POWs are eligible for any needed dental care, including repeat care. Eligibility for former POWs may be verified through a HINQ request, submission or transmission of VA Form 10-7131, Exchange of Beneficiary Information and Request for Administrative Action, or transmittal of the Automated Medical Information Exchange (AMIE) screen information to a Regional Office. This action does not apply to the provision of emergency treatment prior to an eligibility determination.

(5) **Class III.** Those Veterans, having a dental condition professionally determined by VA to be currently aggravating a SC medical condition, are eligible for dental care to satisfactorily resolve the problem. Each episode of dental care must be based upon a clinical, judgmental decision.

(6) **Class IV.** Those Veterans whose SC disabilities have been rated at 100 percent, or who are receiving the 100 percent rating by reason of individual unemployability, are eligible for any needed dental care. A total disability which is defined as "temporary" does not entitle a beneficiary to dental care.

(7) **Class V.** A Veteran who is considered to be participating in a rehabilitation program under 38 U.S.C. 31, and who is medically determined to be in need of dental care may be provided dental care to:

- (a) Make it possible to enter the course of training.
- (b) Achieve the goals of the program.
- (c) Prevent interruption of the training.
- (d) Hasten the return to the program of a Veteran placed in discontinued status because of a dental condition.
- (e) Hasten the return to a rehabilitation program of a Veteran in interrupted or leave status.
- (f) Secure and adjust to employment during the period of employment assistance.
- (g) Enable the Veteran to achieve maximum independence in daily living.

(8) **Class VI.** Any Veteran scheduled for admission or receiving outpatient care under 38 U.S.C. Chapter 17 may receive dental care, if the dental condition is clinically determined to be complicating a medical condition currently under treatment. Each episode of dental care must be predicated on referral and consultation, followed by a clinical judgmental decision.

NOTE: For more information on Dental refer to [VHA Handbook 1130.1](#).

b. Dental Services Provided for Certain Homeless and Other Enrolled Veterans

(1) In accordance with Title [38 U.S.C. § 2062](#), VHA health care facilities must provide outpatient dental services and treatment considered medically necessary to certain homeless and other enrolled Veterans if they are:

(a) Necessary for the Veteran to successfully gain or regain employment; or

(b) Necessary to alleviate pain or treat moderate, severe, or severe and complicated gingival and periodontal pathology.

(2) A Veteran is eligible for such medically necessary outpatient dental services and treatment if the Veteran is:

(a) Enrolled in the VA Health Care System; and

(b) Receiving care (directly or by contract) for a period of 60 consecutive days in any of the following settings:

1. VA Domiciliary Residential Rehabilitation Program;

2. A Compensated Work Therapy-Transitional Residence;

3. A Community Residential Care Program home, if VA coordinated the placement;

4. A Community-based resident treatment program serving homeless Veterans under the Health Care for Homeless Veterans (HCHV) Program; or

5. Setting operated by a provider to whom VA provides grant and per diem funds under the VA Homeless Provider Grant and Per Diem Program.

c. **Limitations on the Provision of Outpatient Dental.** Dental benefits provided under [38 U.S.C. §2062](#) are furnished on a one-time course of dental care that is provided in the same manner as the dental benefits provided to a Veteran newly discharged from military service.

8. SPECIAL TREATMENT ELIGIBILITY DUE TO IONIZING RADIATION EXPOSURE, COMBAT SERVICE, OR PARTICIPATION IN CERTAIN DOD CHEMICAL AND BIOLOGICAL TESTING

a. **Authority for Treatment of Exposure to Radiation, or Other Conditions Defined by Law.** Veterans claiming exposure to Ionizing Radiation, service in a combat-theater, or Project SHAD testing are provided services in accordance with [38 U.S.C. §1710](#). *NOTE: For information on Project SHAD see subparagraph 3s.*

b. **Ionizing Radiation Exposure.** VA has the authority to provide medical care and other medical services to Veterans who were exposed to radiation for any disease described in

[38 U.S.C. §1710\(e\)\(1\)\(B\)](#). For purposes of this treatment authority, a “radiation-exposed Veteran” means a Veteran who participated in a “radiation-risk activity” as defined in [38 U.S.C. §1112\(c\)\(3\)](#). It is these Veterans who are unofficially referred to as “Atomic Veterans.”

NOTE: For information on presumptive and non-presumptive diseases, see [38 U.S.C. §1112\(c\)](#).

9. ELIGIBILITY FOR SPECIFIC CATEGORIES

a. Catastrophically Disabled

(1) The definition of catastrophically disabled is met if the Chief of Staff, or designee, at the VA health care facility where a review of the Veteran’s health record has been conducted or the Veteran was examined, finds that the Veteran meets the criteria for:

(a) One of the permanent diagnoses found under View CD Diagnoses at the Office of the Assistant Deputy Under Secretary for Health for Policy and Planning Reports Page Web site at: [Under Secretary U.S. Department of veterans Affairs Reports](#) . *NOTE: This is an internal Web site and is not available to the public.*

(b) A condition that results in the assignment of two of the:

1. International Classification of Diseases, 9th Edition, Clinical Modification (ICD-9-CM) procedure codes or associated V-codes, when applicable; or

2. Current Procedural Terminology (CPT) ® codes, provided that two amputation procedures were not on the same limb; or

*NOTE: For more information on the ICD-9-CM and CPT ® codes, see View CD Diagnoses at the Office of the Assistant Deputy Under Secretary for Health for Policy and Planning Reports Page Web site at [Under Secretary U.S. Department of Veterans Affairs Reports](#). **NOTE: This is an internal Web site and is not available to the public.***

(c) One of the following permanent conditions:

1. Dependency in three or more ADLs (such as: eating, dressing, bathing, toileting, transferring, and incontinence of bowel or bladder), with at least three of the dependencies being permanent with a score of 1 using the Katz scale. *NOTE: For more information on the Katz scale and its score requirements, see VHA Procedure Guide(PG)1601A.02.4.B.7.a (for internal VHA use only).*

2. A score of 10 or lower using the Folstein Mini-Mental State Examination (MMSE). *NOTE: For more information on the MMSE and its score requirements, see VHA PG 1601A.02.4.B.7.a (for internal VHA use only).*

3. A score of 2 or lower on at least four of the 13 motor items using the Functional Independence Measure (FIM). *NOTE: For more information on the FIM and its score requirements, see VHA PG 1601A.02.4.B.7.a (for internal VHA use only).*

4. A score of 30 or lower using the Global Assessment of Functioning (GAF). **NOTE:** For more information on the GAF and its score requirements, see VHA.PG.1601A.02.4.B.7.a (for internal VHA use only).

(2) A Veteran may meet the definition of catastrophically disabled by either a:

(a) Clinical evaluation of the patient's medical records that documents that the patient previously met, and continues to meet, the criteria set forth in subparagraph 8b(1) (permanently), or would continue to meet such criteria (permanently) without the continuation of on-going treatment; or

(b) Current medical examination that documents that the patient meets, and will continue to meet, the criteria set forth in subparagraph 8b(1), or would continue to meet such criteria (permanently) without the continuation of on-going treatment.

NOTE: For further information on Catastrophically Disabled see [38 CFR §17.36\(e\)](#).

b. **Combat Veteran.** Under 38 U.S.C. §1710(e)(1)(D), a combat Veteran is defined as a Veteran who served on active duty in a theater of combat operations during a period of war after the Persian Gulf War or in combat against a hostile force during a period of hostilities after November 11, 1998.

(1) Combat Veterans are eligible for cost-free care for any illness that cannot be disassociated from their combat service for a 5-year period following separation or release from military service, if they served:

(a) On active duty in a theater of combat operations during a period of war after the Gulf War, or

(b) In armed combat against a hostile force during a period of hostilities (as defined in accordance with [38 U.S.C. §1712A](#)) after November 11, 1998.

(2) The statutory 5-year period also:

(a) Allows for the collection of basic health information to aid in the evaluation of specific-health questions, such as those related to difficult to diagnose illnesses; and

(b) Provides such combat Veterans with time to seek disability ratings for their conditions.

(3) Combat Veterans, who were discharged from active duty before January 28, 2003, but did not enroll in VA's health care system, have 3 years under this authority to enroll in VA's health care system. This 3-year period of enhanced eligibility began on January 28, 2008, and expires after January 27, 2011, during which time the combat Veteran is placed in priority group 6 (unless eligible for higher priority group placement).

c. **Fugitive Felons.** In accordance with [38 U.S.C. §5313B](#), Veterans who are fugitive felons, and dependents of Veterans who are fugitive felons, are not eligible for VA health care benefits.

d. **Head and Neck Cancer Associated with Nasopharyngeal (NP) Radium Treatments.**

Under [38 U.S.C. § 1720E](#), a Veteran is eligible for a medical exam, and hospital care, medical services, and nursing home care needed for treatment of any cancer of the head or neck, which the Secretary of Veterans Affairs finds may be associated with receipt of nasopharyngeal (NP) radium treatments in active military, naval, or air service. Evidence of NP exposure must be documented in the Veteran's service records. This documentation requirement does not apply to Veterans who served as aviators in the active military, naval, or air service before the end of the Korean conflict or who underwent submarine training in active naval service before January 1, 1965. **NOTE:** For more information on NP radium treatment, see [Office of Public Health & Environmental Hazards Home](#).

e. **Incarcerated Veterans.** Veterans who are incarcerated are generally not eligible for VA health care benefits except under sharing or contractual agreements. **NOTE:** *This excludes incarcerated Veterans referred to VHA for compensation and pension examinations. For more information on incarcerated Veterans, see [38 CFR §17.38\(c\)\(5\)](#). (Exclusion from medical benefits package applies where another agency, including institutions of other government agencies, state mental health hospitals, etc., has the responsibility to provide the needed care. In some cases, the responsible agency may not be required to provide the needed care and then VA would check for eligibility for VA health care benefits.)* For Veterans who are on house arrest or living in group homes, seek guidance from the local Regional Counsel.

f. **Military Sexual Trauma**

(1) Title [38 U.S.C. §1720D](#) authorizes VA to furnish both male and female Veterans counseling services and medical care needed to treat psychological trauma resulting from sexual trauma, which a VHA mental health professional has determined occurred while the veteran was serving on active duty or active duty for training.

(2) Sexual trauma includes:

- (a) Sexual harassment as defined in [38 U.S.C. §1720D\(d\)](#);
- (b) Sexual assault;
- (c) Rape; and
- (d) Other batteries of a sexual nature.

g. **Project 112/SHAD.** Veterans who participated in a test conducted by DOD Desert Test Center as part of a program for chemical and biological warfare testing from 1962 through 1973 (including the program designated as "Project Shipboard Hazard and Defense (SHAD)" and related land-based tests) are eligible for hospital care, medical services, and nursing home care under 38 U.S.C. 1710(a)(2)(F) for any illness, notwithstanding that there is insufficient medical evidence to conclude that such illness is attributable to such testing. However, this authority does not apply to illnesses found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than such participation in testing. **NOTE:** For more information on Project SHAD, see [38 U.S.C. §1710\(e\)\(1\)\(E\)](#), or subparagraph 3s.

h. **Purple Heart.** Veterans who were awarded the Purple Heart medal are enrolled in enrollment priority group 3, unless otherwise eligible for placement in a higher priority group, and are exempt from any copayment requirement associated with the provision of hospital care and outpatient medical services; however, they are not exempt from pharmacy copayments. Documentation of the award is annotated on the DD-214, DD-215, official service records, or military orders of award. A copy of this documentation is to be included in the Veteran's Consolidated Health Record (CHR). The health care facilities must fax a copy of the documentation to HEC at (404) 828-5060.

i. **Treatment at the Manila Outpatient Clinic.** Service-connected U.S. Veterans who receive services through the Manila VA Clinic may be treated for NSC disabilities, as provided for by [38 U.S.C. 1724\(e\)](#), within the limits of available resources. The Veterans Integrated Service Network (VISN) Director of VISN 21 and the Director of the Manila VA Clinic are responsible for ensuring that services are provided in accordance with 38 U.S.C. 1724 (e).

10. INDIVIDUALS AND GROUPS CONSIDERED TO HAVE PERFORMED ACTIVE MILITARY, NAVAL, AND AIR SERVICE

A number of special groups who have provided military-related services to the U.S. are considered to have performed active military, naval, or air service. These groups are defined in [38 CFR §3.7](#). Some of those groups are outlined in the following paragraphs.

a. **Aerial Transportation of Mail.** This includes persons who were injured or died while serving under conditions set forth in Pub. L. 73-140.

b. **Active Military Service Certified as Such Under Section 401 of Pub. L. 95-202.** These persons are considered to have active military service under Pub. L. 95-202 if the Secretary of Defense certifies the service and that they received a discharge under honorable conditions.

NOTE: An award cannot be made effective earlier than November 23, 1977. For more information on effective dates for these types of awards, see Pub. L. 95-202.

(1) The following civilian contractual personnel are eligible for VA health care benefits, but must be certified on their DD-214 as having served on active duty under honorable conditions:

(a) Quartermaster Corps female clerical employees serving with the American Expeditionary Forces in World War I (WWI).

(b) Civilian employees of Pacific Naval Air Bases who actively participated in the defense of Wake Island during World War II (WWII).

(c) Civilian Navy Identification Friend or Foe (IFF) radar technicians who served in combat areas of the Pacific during WWII from December 7, 1941, to August 15, 1945.

(d) Civilian personnel assigned to the Secret Intelligence Element of the Office of Strategic Services (OSS).

(e) Reconstruction Aides and Dietitians, World War I.

- (f) Wake Island Defenders from Guam.
 - (g) Guam Combat Patrol.
 - (h) Signal Corps Female Telephone Operators Unit of WWI.
 - (i) Engineer Field Clerks, WWI.
 - (j) Male Civilian Ferry Pilots.
 - (k) Quartermaster Corps Keswick Crew on Corregidor (WWII).
 - (l) U.S. civilian volunteers who actively participated in the defense of Bataan.
 - (m) U.S. civilian employees of the U.S. Army Nurse Corps who served in the defense of Bataan and Corregidor from January 2, 1942, to February 3, 1945.
 - (n) Woman's Reserve or Navy, Marine Corps, and Coast Guard.
 - (o) Woman's Army Auxiliary Corps (WAAC)
- (2) U.S. civilians of the American Field Service (AFS) may be eligible for VA health care benefits after they have received a DD-214 and served overseas; they include those who:
- (a) Were under U.S. Armies and U.S. Army groups in WWII from December 7, 1941, to May 8, 1945, or
 - (b) Served operationally in WWI during the period August 31, 1917, to January 1, 1918.
 - (c) The Operational Analysis Group of the Office of Scientific Research and Development, Office of Emergency Management, which served overseas with the U.S. Army Air Corps from December 7, 1941, through August 15, 1944.
 - (d) Alaska Territorial Guard: Members of the Alaska Territorial Guard during World War II who were honorably discharged from such service as determined by the Secretary of Defense.
- (3) Honorably-discharged members of the American Volunteer Group and Flying Tigers are eligible for VA health care benefits, if they served during the period December 7, 1941, to July 4, 1942.
- (4) Honorably-discharged members of the American Volunteer Guard, Eritrea Service Command are eligible for VA health care benefits, if they served during the period June 21, 1942, to March 31, 1943.
- (5) Merchant Marine policies are as follows:

(a) Merchant Marines who served in the Oceangoing Service between December 7, 1941, and August 15, 1945 are eligible for VA medical care benefits.

(b) U.S. merchant seamen who served on blockships in support of Operation Mulberry during the invasion of Normandy are eligible for VA health care benefits. *NOTE: The term Merchant Marine and Merchant Seaman are interchangeable and can mean the same. Normally a Merchant Marine is a graduate from a Merchant Marine Academy while the term "merchant seamen" is commonly used to identify crew members of merchant ships.*

(6) U.S. civilian flight crews and aviation ground support employees of the following companies, who served overseas during the period December 14, 1941, to August 14, 1945 under the airline's contract with the Air Transport Command, are eligible for VA health care benefits:

(a) American Airlines;

(b) Braniff Airways;

(c) Consolidated Vultree Aircraft Corporation (Consairway Division);

(d) Northeast Airlines, Atlantic Division;

(e) Northwest Airlines;

(f) Pan American World Airways;

(g) Transcontinental and Western Air, Inc. (TWA); and

(h) United Airlines.

(7) For information on Coast and Geodetic Survey, see subparagraph 10g.

(8) For information on Women's Air Force Service Pilots (WASPs), see subparagraph 10j(3)(a).

c. **Aliens.** As noted in [38 CFR §3.7\(b\)](#), effective July 28, 1959, the following are considered to have performed active military, naval, or air service:

(1) A Veteran discharged for alienage during a period of hostilities unless evidence affirmatively shows the Veteran was discharged at the Veteran's own request (a discharge that was changed prior to January 7, 1957, to honorable by a board established under [10 U.S.C. §§ 1552](#) or [1553](#) is evidence that the discharge was not at the alien's request); or

(2) A Veteran who was discharged for alienage after a period of hostilities and whose service was honest and faithful if not barred from benefits, if otherwise entitled.

d. **Auxiliary Military Service**

(1) Active service personnel in the Coast Guard on or after January 29, 1915, while under the jurisdiction of the Treasury Department, Navy Department, or the Department of Transportation are considered to have performed active military service. **NOTE:** *For more information on duty periods, see [38 CFR §3.6\(c\)-\(d\)](#).*

(2) Lighthouse service personnel transferred to service and jurisdiction of War or Navy departments by Executive Order, under the Act of August 29, 1916, are considered to have performed active military service. **NOTE:** *This service was consolidated with the Coast Guard effective July 1, 1939.*

(3) The approximately 50 Chamorro and Carolinian former native policemen who received military training in the Donnal area of central Saipan and were placed under the command of Lt. Casino of the 6th Provisional Military Police Battalion United States Marines on active, combat-patrol activity from August 19, 1945, to September 2, 1945.

(4) Persons ordered to service are:

(a) Any person ordered to service is considered to have been on active military, naval, or air service if the person has:

1. Applied for enlistment or enrollment in the active military, naval, or air service and who has been provisionally accepted and directed, or ordered, to report to a place for final acceptance into the service; or

2. Been selected or drafted for such service, and has reported according to a call from the person's local draft board and before final rejection; or

3. Been called into Federal service as a member of the National Guard, but has not been enrolled for Federal service, and

4. Suffered injury or disease in the line of duty while going to, coming from, or at such place for final acceptance or entry upon active duty. **NOTE:** *The injury or disease must be due to some factor relating to compliance with proper orders.*

(b) Draftees and selectees when reporting for pre-induction examination or for final induction on active duty are not included for injury or disease suffered during the period of inactive duty or the period of waiting, after a final physical examination, or prior to beginning the trip to report for induction.

(c) Members of the National Guard are included when reporting to a designated assignment.

(5) Philippine Scouts, to include Commonwealth Army Veterans and those who were recognized by authority of the U.S. Army as belonging to organized Filipino guerilla forces who reside in, or are citizens of, the U.S., or lawfully admitted for permanent residence, are eligible for care on the same basis as U.S. Veterans.

NOTE: For additional information on Philippine and Insular Forces, see [38 CFR §3.40](#).

(6) Revenue Cutter Service members serving under the direction of the Secretary of the Navy in cooperation with the Navy are considered to have performed active military service.

(7) Service at any time as a cadet at the U.S. Military, Air Force, or Coast Guard Academy, or as a midshipman at the U.S. Naval Academy are considered to have performed active military service.

(8) Russian Railway Service Corps that provided service during WWI, as certified by the Secretary of the Army, are considered to have performed active military service.

e. **Camps**

(1) Students of aviation camps who were enlisted men during WWI are considered to have performed active military service.

(2) Members of training camps authorized under Pub. L. 85, 64th Congress Section 54, National Defense Act of June 3, 1916, who were enrolled in such camps on or after April 6, 1917, and before November 12, 1918, to obtain a commission upon satisfactory conclusion of such training are eligible for VA health care benefits. *NOTE: Persons who attended these camps to qualify as instructors in various colleges are not eligible.*

(3) Members of the following Student Army Training Corps Camps during the period July 18, 1918, to September 16, 1918, are not considered to have performed active military service:

- (a) The Presidio of San Francisco, CA;
- (b) Plattsburg, NY;
- (c) Fort Sheridan, IL;
- (d) Howard University, Washington, DC;
- (e) Camp Perry, OH; and
- (f) Camp Hancock, GA.

f. **Clerks**

(1) Army and Quartermaster Corps field clerks are included as enlisted men and are therefore considered to have performed active military service.

(2) Persons who served as Paymaster's Clerks of the U.S. Army in the Philippine Insurrection or Boxer Rebellion are considered to have performed active military service.

g. **Coast and Geodetic Survey**

(1) Members of Civilian Crewmen of U.S. Coast and Geodetic Survey vessels, who served as crewmen in areas of immediate military hazard, while conducting cooperative operations with and for the U.S. Armed Forces between December 7, 1941, and August 15, 1945, aboard the following vessels, may be eligible for VA health care benefits:

- (a) The Derickson;
- (b) The Explorer;
- (c) The Gilbert;
- (d) The Hilgard;
- (e) The E. Lester Jones;
- (f) The Lydonia;
- (g) The Patton;
- (h) The Surveyor;
- (i) The Wainwright; and
- (j) The Westdahl.

(2) Full-time duty as a commissioned officer of the Coast and Geodetic Survey, and its successor agencies, the Environmental Science Services Administration and the National Oceanic and Atmospheric Administration are considered to have performed active military, naval, or air service. **NOTE:** *For more information on duty periods for Coast and Geodetic Survey, see [38 CFR §3.6\(b\)\(3\)](#).*

h. **Medical Services Personnel**

(1) Female Army and Navy Nurse Corps on active service under order of the service department are considered to have performed active military or naval service.

(2) Female dietetic and physical therapy personnel appointed with relative rank (*civilian rank/experience level they may have attained based on their skills before they were commissioned*) on, or after, December 22, 1942, or commissioned on, or after, June 22, 1944, are considered to have performed active military service. **NOTE:** *Students and apprentices are not included in this group.*

(3) Contract surgeons who sustain a disability or death as the result of disease or injury contracted in the line of duty during a war period while performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, in transit, or in hospital

are considered to have performed active military service. *NOTE: This applies for the purposes of compensation, dependency, and indemnity compensation.*

(4) Male nurses who were enlisted men of the Medical Corp are considered to have performed active military service.

(5) Contract nurses who served as U.S. Army nurses under contract are considered to have performed active military service.

i. **National Guard and Reserves**

(1) National Guard and Reservists may be eligible for VA health care benefits on the basis they may meet the Title 38 definition of “Veteran.” This includes health care provided under [38 U.S.C. §1710\(e\)\(1\)\(D\)](#). To be eligible for VA health care benefits, members of the National Guard and Reservists must meet the following criteria:

(a) They performed active military, naval, or air service as defined in [38 CFR § 3.6](#);

(b) They meet the character of discharge requirements of subparagraph 6c; and

(c) They meet the minimum period of services requirements of subparagraph 6d, if applicable, based on their dates of service.

NOTE: Mobilization as a result of an order of the Chief Executive of a State is not considered active military service and service in this circumstance does not establish eligibility.

j. **Public Health Services.** Full-time duty for other than training purposes performed as commissioned officers of the Regular or Reserve Corps of the Public Health Service is considered active military service, if they performed such full-time duty:

(1) On or after July 29, 1945, or

(2) Before July 29, 1945, under circumstances affording entitlement to full military benefits.

NOTE: For additional information on duty periods for National Guard and Reservists, see [38 CFR §3.6\(a\)-\(d\)](#).

k. **Women’s Organizations**

(1) Members of the Woman’s Auxiliary Army Corps (WAAC) who served between May 13, 1942, and September 30, 1943, prior to establishment of the Women’s Army Corps (WAC), are considered to have completed active military service.

(2) Members of the WAC who served on or after July 1, 1943, are considered to have completed active military service.

(3) Individuals who have been certified on DD-214 by the DOD as having served on active duty are considered to have completed active military service, including:

(a) Members of the WASP, a group of Federal civilian employees attached to the U.S. Army Air Force during WWII, or

(b) Any person in any other similarly-situated group.

NOTE: The members of these groups rendered service to the Armed Forces of the U.S. in a capacity considered civilian employment or contractual service at the time such service was rendered.

11. NON-VETERAN BENEFICIARIES

For information on eligibility determinations for:

a. Beneficiaries of the Civilian Health and Medical Program of the Department of Veterans Affairs (**CHAMPVA**), see [38 U.S.C. § 1781](#); [38 CFR §§17.270](#), [17.271](#), [17.272](#), [17.273](#), [17.274](#), [17.275](#), [17.276](#), [17.277](#), and [17.278](#).

b. Allied beneficiaries, see VHA Handbook 1601D.02.

c. Czechoslovakia and Polish Veterans are eligible for care as any other U.S. Veterans providing they provide proof of:

(1) U.S. citizenship for at least 10 years; and

(2) Honorable service in the armed forces of Czechoslovakia or Poland during WWI or WWII; and

(3) Honorable service in, or with, British or French armed forces.

d. For information on children of Vietnam Veterans with Spina Bifida or covered birth defects, see Children of Women Vietnam Veterans Health Care Benefits Program at: <http://www.va.gov/hac/forbeneficiaries/spina/handbook/cwvhandbook.pdf>

e. For individuals who receive care on a humanitarian basis, see [38 U.S.C. §1784](#); [38 CFR §17.102\(b\)](#).

12. HEALTH ELIGIBILITY CENTER (HEC) INCOME VERIFICATION MATCH (IVM) PROGRAM

a. **Authority.** Pub. L. 101-508 permits VA to verify Veteran self-reported income with the Internal Revenue Service (IRS) and Social Security Administration (SSA). Veterans subject to income verification are those in a copayment exempt status.

b. **Disclosure of Information.** HEC is required by the Internal Revenue Code (IRC) [7213](#), [6103](#), and [7431](#) not to disclose data received from the IRS and SSA with anyone other than the person associated with the data.